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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIMELL, SAMUEL G

ART UNIT PAPER NUMBER

2175

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,988

Applicant(s)

MENDE, ROBERT G.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 16-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25: In claim 25, the phrase "the valid information" in the last line lacks antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15 and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Beizer et al. (U.S. Patent 6,240,414).

Claim 15: Beizer et al. discloses individual computer systems, such as (34),(36) and (38). A computer system inherently includes a processor and a bus for communication between the components on the computer. Databases (30), (42) are connected to the processors. FIG. 3D illustrates a locking system that creates locks in the sense that negative decisions occur that prevent certain process flows from taking place. For example, the process flow include negative decisions that prevent writing operations to the master work folder,

Claim 21: FIG. 3D of Beizer et al. refers to data elements in the work folder and data elements in a master folder. The work folder thus becomes the primary page and the master

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folder becomes the mirror page. Beginning at step (68), the value of the data element in the work folder is compared to the value of the data element in the master folder. If they are inconsistent, then at step 70, the value from the work folder is applied to the master folder, so as to make the consistent page (the work folder) become consistent with the inconsistent page (the master folder). Thus, the step of resolving the lock status can be resolved by passing through the decision blocks.

No patentable weight is attributable to the wherein clause because it is predicated by an “if” condition that may not necessarily occur. Accordingly, the conditions of the wherein clause are optional and thus carry no patentable weight. (MPEP 2106, Section C).

Claims 22-24: See remarks for claim 21. Note that the “wherein” clauses in each of these claims includes an “if” condition. Accordingly, these “wherein” clauses are optional and carry no patentable weight.

Claim 25: See remarks for claim 21. Any information in either the work folder or master folder of FIG. 3D can be considered as “valid”.

Claims 1-14 are allowed.

Claims 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

Currently, only claims 15 and 21-25 are under rejection.

Claim 15 has been amended to define locking system that creates and manages locks and determines whether read or write operations should be permitted to occur. Examiner maintains

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that the system of FIG. 3D in Beizer et al. does disclose such a locking system, as the programming steps create locks that prevent writing operations to the master file.

Claims 21-24 have been added and appear to be based on the indications of allowable subject matter made in the previous action. However, upon reconsideration, examiner finds that the critical "wherein" clauses carry no patentable weight because the "if" condition included in the clause makes the entire clause optional. Since optional conditions do not necessarily occur, they do not carry patentable weight within the claim. Claim 25 is newly added and is rejected for the reasons cited herein.

The remaining claims are either allowed or indicated as containing allowable subject matter.

This office action is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
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